

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-675

Tribal Member Check Deductions



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SECTION 1: PURPOSE

The purpose of this policy is to outline when it is necessary to take involuntary deductions from streams of tribal income other than per-capita which has long been the primary income used for repayment to the Tribe. This policy sets forth the priority for payments of the Tribal Council. All payments to the Tribe must be consistent with the priorities of Tribal Council.

The Redding Rancheria finds it necessary to deduct owed funds out of any tribal incomes set forth in this policy when a Tribal Member does not have adequate funds to cover their scheduled involuntary deductions out of their per-capita check. Furthermore, when monthly scheduled deductions are missed due to inadequate income, the Tribe shall have the responsibility and authority to deduct multiple monthly payments out of future checks as necessary to keep payments consistent and timely not to exceed the current number of missed monthly payments.

Owed monies to the Tribe and its programs, Tribal Court, or any other Redding Rancheria entity, include, but are not limited to: foster care payments, Tribal Court sanctions, unmet program requirements repayment, fraudulent use of members' programs, property damage, and cashing fraudulent checks at Win-River Resort & Casino.

The care and well-being of Tribal children are of paramount importance to the Tribe. As such, it is critical that parents of Tribal children provide adequately for those children in all cases, including when the children have been removed from the home by the Tribal Court. This policy establishes that the Tribe places a priority on the payment of obligations to those providing foster care of Tribal children and that the payment of any court sanction is also prioritized.

SECTION 2: BACKGROUND AND INTENT

Background:

Instances exist where Tribal Members have a variety of involuntary deductions that exceed their primary source income of per-capita and it is necessary for the Tribe to seek other sources of tribal income to ensure that monies due are recouped by the Tribe in a timely manner that is as consistent as possible to the schedule of payments that are due. The schedule of payments varies and is based on specific program policies.

In most cases, Tribal children are adequately cared for by their parents without the need for intervention from the Tribe. There are times, however, when Tribal children are not receiving adequate care from their parents and are removed from the home by the Tribal Court. The children are then placed into foster care by the Court, and the Tribal Member parent is ordered by the Court to make foster care payments to the guardian with whom

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they are placed. These payments, when ordered by the Court, are deducted directly from the monthly net gaming revenue distributions (per-capita checks) of the Member parent. In addition, the Tribal Court sometimes places additional financial sanctions upon Tribal Members. This policy allows for those payments to also be collected through various other streams of tribal income in addition to per-capita checks.

Intent:

This Policy intends to describe the method to recover funds owed to the Tribe, its Tribal Court, and all other Redding Rancheria entities. The highest priority of the Tribal Court is the timely payment of both foster care obligations and Court sanctions.

Furthermore, this policy intends to ensure Tribal Members have continued access to their 40% benefits and programs without the need to suspend their program usage due to the inability of recouping owed funds in a timely manner. Tribal Members who have outstanding debts within a member program or have fraudulently used a member program will also be referred to the member program policy to determine repayments and consequences as it relates to the continued and authorized usage of the program.

SECTION 3: DEFINITIONS

As used within this chapter, the following terms shall mean:

- (a) Tribe: As used in this policy shall mean the Redding Rancheria Tribe, a federally recognized Indian Tribe
- (b) Tribal Member: Shall mean any enrolled member of the Redding Rancheria.
- (c) Chief Executive Officer: The Chief Executive Officer of the Redding Rancheria.
- (d) Tribal Court: The Redding Rancheria Tribal Court.
- (e) Parent: A parent, specifically a Tribal Member parent of a Tribal Member child.
- (f) Guardian: A non-parent who has the care and custody of a Tribal Member child pursuant to a Court Guardianship Order.
- (g) Voluntary Payment: When a Tribal Member has opted in to deductions from their per capita distribution.
- (h) Involuntary Payment: Any payment that is determined to be a mandatory deduction as set forth by the Tribe and its policies or procedures, Tribal

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Court, or Tribal Council where a tribal member lacks the authority to opt-out is considered an involuntary payment. Per this policy these required payments will be taken out of per capita distribution or other sources of Tribal income if necessary. In order to protect the tribe, its members, and their investments or interests, involuntary payments also includes monthly mortgage payments for housing that was secured using funding from the Redding Rancheria Home Equity program and Minors Trust account and shall remain in effect for the time frame set forth in the programs policy.

- (i) Base Payments: In cases where a Tribal Member owes money to the Tribe, the amount owed may be deducted from checks from the Tribe, however, each individual adult Tribal Member shall receive \$500 per month from their regular per capita check, and an additional \$150 per month shall be guaranteed for each biological dependent Tribal Member child who resides in the home of the Tribal Member. Any remaining balance due will continue to be offset from future distributions until the debt is paid in full. Redding Rancheria recommended or reasonable state income tax withholding, Redding Rancheria required or reasonable federal income tax withholding, utility payments to Redding Rancheria Utility Corporation and the approved rates set by Tribal Council as a mandatory living expense for adult tribal members and their biological dependent tribal member children.
- (j) Owed Funds or Owed Monies: As used in this policy shall mean any monetary debt or obligation that a tribal member owes the Tribe, Tribal entity, or Program as either equitable restitution for overpayment, improper payment, loss or damage to tribal property, unauthorized use of program funds or benefit payments, court judgment or sanction.

SECTION 4: DELEGATED AUTHORITY

The Chief Executive Officer is hereby delegated all administrative authority to carry out the day-to-day operations of this policy. Such authority shall include but not limited to:

- (a) Recommending to the Tribal Council such policy decisions necessary to assure the efficient and effective administration of this policy in accordance with its stated purpose.
- (b) Coordinating with, obtaining assistance of, and providing administrative direction to third parties engaged by the Redding Rancheria to assist in the administration of this policy, including, but not limited to Legal Counsel, Tribal Court, and Tribal Court Administration.

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- (c) Provide direction to Finance staff with regard to payments and other obligations affected by this policy.
- (d) Initiate any legal proceedings as necessary to protect the interests of the Tribe with regard to this policy.
- (e) Recommend amendments or changes to this policy as needed at any time to Tribal Council.

SECTION 5: PRIORITIZATION OF PAYMENTS

Because Redding Rancheria has chosen to place a high priority on the timely payment of Foster Care to the guardians of Tribal Member children and upon the timely payment of Tribal Court sanctions, the following will be the order in which owed funds shall be paid, after base payments have been deducted, unless the Tribal Council finds good or reasonable cause to determine an alternative order is necessary, while keeping in mind first, the wellbeing of the children:

- (a) Foster Care Payments
- (b) Tribal Court Sanctions
- (c) Involuntary Mortgage Payments
- (d) All other involuntary payments owed in chronological order in which the Tribal Member started accumulating the debts.
- (e) All other voluntary payments

Payments to Tribal Member

Foster Care payments, court sanctions, and all other monies that are due shall be deducted by Redding Rancheria from the following disbursements prior to the disbursement being paid to a Tribal Member.

- (a) Net revenue distributions (per capita, general welfare, household assistance and energy assistance), both levelized and surplus
- (b) Elders pension and general assistance
- (c) General Welfare Savings (formerly Rabbi) distributions
- (d) Custodial general welfare spending account distributions

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- (e) Tribal Member Retention payments
- (f) Honorariums
 - (1) Tribal Council
 - (2) Committees
 - (3) Turning 18 meetings
 - (4) Turning 21 meetings
 - (5) RREDCO and subsidiary Board of Directors
- (g) Education living allowance
- (h) Tribal Member employee pay and mileage reimbursement
- (i) Independent Contracting payments
- (j) Tribal Member Travel
- (k) Tribal Member Supplemental Health

Monies Owed that are due shall not be deducted by Redding Rancheria from the following disbursements prior to the disbursement being paid to a Tribal Member.

- (a) Elders gifts (Christmas and birthday)
- (b) Home Equity Program disbursements
- (c) Burial reimbursement
- (d) Wellness incentives (biometric screening, Great Outdoors Challenge, Win-Fit, etc.)
- (e) Financial Assistance Program payments
- (f) Small Business Grants
- (g) Tribal Member business payments for goods and services but does not include payments made to members acting as independent contractors.

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- (h) Birth certificate reimbursement
- (i) General Membership Honorariums
- (j) Sponsorship Program payments (sports, activities, regalia, etc.)
- (k) Youth activities
- (l) Education reimbursement (tuition, books, supplies, internet, incentives, tutoring, travel per diem, school trips, and school clothing.)
- (m) Tribal Member employee uniform allowances, certifications, licenses, etc.
- (n) Tribal Youth school clothing allowance
- (o) Tribal Youth report card incentive
- (p) Tribal Youth Christmas present

It is also the policy of Redding Rancheria that Tribal Members who have outstanding debts for foster care, court sanctions, or other monies shall not be permitted to participate in the following programs:

- (a) Employee, Tribal Council or committee business travel

CHECKS NOT LISTED IN POLICY

In situations where a specific check type or payment type is not identified in this policy, the Chief Executive Officer (CEO) shall have the authority to determine whether the debt may be collected from that payment. The CEO will notify the Tribal Council of any such determinations at the earliest convenience. The Tribal Council will then review and discuss whether the policy should be formally amended to include the payment type in question.

SECTION 6: REVIEW

The CEO shall review this policy each year and shall make such recommendations, if any, for its amendment as appropriate for the effective administration hereof.

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Legislative History:

Originally Adopted by Tribal Council Resolution #033-05-28-24 dated May 28, 2024.

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